

REMARKS

In the specification, two paragraphs have been amended to correct minor clerical issues which were objected to by the Examiner. As no new matter has been added, it is respectfully requested that these amended paragraphs be entered into the application.

With respect to the action on the merits, claim 1 has been rejected under 35 U.S.C. 102(b) as being anticipated by Branch U.S. Patent No. 5,363,897. The Examiner claims that Figures 5 and 13A essentially show the invention as claimed. A careful review of the claims now amended clearly differentiates this claim from the '897 patent. In particular, the heel portion of the tool now claims a rounded outer surface. Clearly, no rounded outer surface exists for the heel portion 20 in the '897 patent. In addition, the claim now states that the lever arm includes a raised portion extending axially inward from the heel, the raised portion having a rounded surface and defining the crook. Clearly, there is no raised portion extending axially inward from the heel in the '897 patent. Moreover, the raised portion, to the extent one can be argued, does not have a rounded surface, or if it does have a rounded surface, then the raised portion, does not define the crook. Clearly, the present invention is not set forth in the '897 patent.

With respect to claim 2, the Applicant notes that the Examiner has initially asserted that claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Branch, the '897 patent. However, in reviewing the action completely, it appears that the Examiner meant that the claim was unpatentable over Branch '897 in view of Brunner U.S. Patent No. 5,417,270. This is because the Examiner notes that Branch does not disclose a fourth bend, but indicates that it would have been obvious to one of skill in the art to have modified the tool of Branch with a portion defining a tip that extended outwardly and axially outward in view of Brunner so as to assist the engaging of the bead of the tire.

Initially Applicant would point out that the '897 patent could not include such a fourth bend. It would be then impossible for the tip 18 in the '897 patent to engage the distal tire bead as shown in Figure 13B. Thus, it would not have been obvious to one of skill in the art to have combined the Branch and Brunner references in the manner proposed by the Examiner.

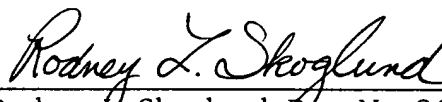
Nevertheless, the Applicant has amended claim 2 to further point out that the first bend

has a rounded surface unlike the heel portion 20 of the '897 patent. In addition, the Applicant further includes the raised portion having a rounded surface and disposed axially inward of the heel. As set forth previously with respect to claim 1, no such raised portion is shown in the '897 patent. Thus, it is believed that claim 2 is also patentable over the prior art.

In light of the foregoing, the Applicant respectfully requests the Examiner to reconsider the application and withdraw his rejections to the claims. A Notice of Allowance is earnestly solicited for claims 1 and 2. Should the Examiner still believe there is prior art which anticipates the present invention, the undersigned attorney requests that the Examiner contact the undersigned attorney via telephone prior to or in conjunction with the mailing of a new Office Action so that the Examiner's observation can be more particularly understood. Of course, should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

No new claims have been added and therefore no additional fees are believed due at this time. Nonetheless, in the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987.

Respectfully submitted,



Rodney L. Skoglund, Reg. No. 36,010
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower - Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646

Attorney for Applicant(s)

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